

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 817 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BAHADURALI SADARUDDIN

Versus

ASSISTANT COLLECTOR

Appearance:

MR AD MITHANI for Petitioner
MR MA BUKHARI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/07/2000

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and
perused the Special Civil Application.

2. The petitioner is owner of the Shakti Oil Mill

situated at Botad. He is engaged in manufacturing of groundnut oil from the groundnut. As per his say, on 24th October, 1986, the Asst. Collector, Palitana came for the inspection of the mill and found that 44 tins were in excess than what it should be in the stock and that the stock registered was not up-to-date. For these irregularities, a show cause notice was given to the petitioner and in reply to the show cause notice, the petitioner has taken the defence that at the time of inspection the mill was working and it has also worked during previous night also. The inspection was commenced at 8.00 O' clock in the morning and there was no excess stock. This defence was not accepted and the authority ordered for the confiscation of these 44 tins of oil.

3. All the authorities below concurrently held against the petitioner. A reference has been made to Annexure-A, Seizure Memo, and that document, is considered by the authorities below.

4. It is a case where 44 tins of the groundnut oil were in excess of the stock and the petitioner has failed to furnish any satisfactory explanation for the same. The stock registered was not up-to-date on the day on which the inspection was made. The learned counsel for the petitioner has failed to point out any perversity in the orders passed by the authorities below. Hence, no intterference of this Court calls for in the orders passed by the authorities below.

5. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

(S.K. Keshote, J.)
(kamlesh)